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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,841	12/08/2003	Kris Edward Hansen	005230.00007	9293
22907	7590	05/22/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,841

Applicant(s)

HANSEN, KRIS EDWARD

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8-10,18-26,28-30 and 45-54 is/are pending in the application.
4a) Of the above claim(s) 1,8-10,23,26 and 30 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 18-22, 24-25, 28-29 and 45-54 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

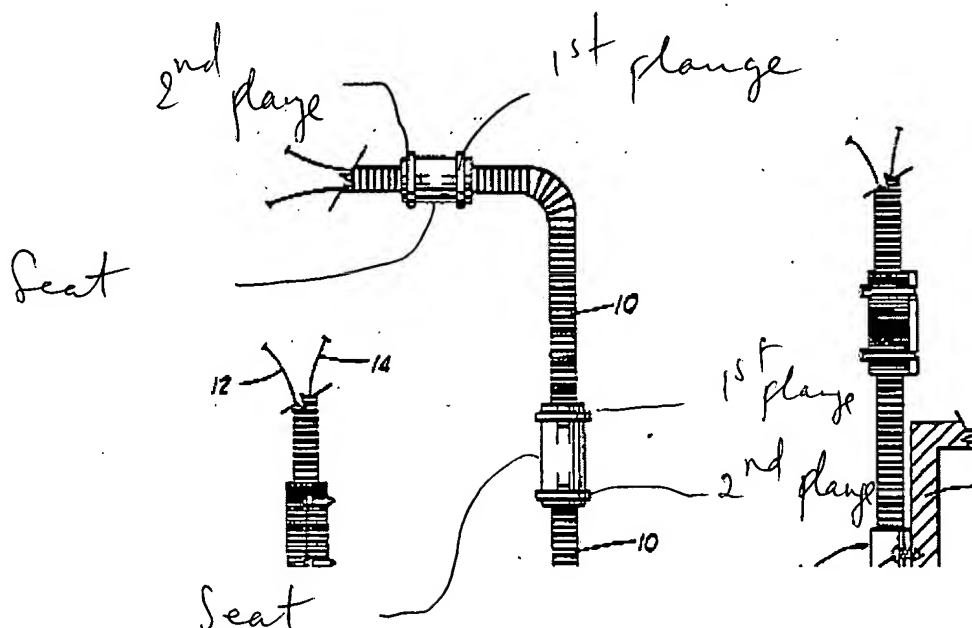
1. This is the fourth office action for serial number 10/728,841. This application contains 19 claims numbered 18-22, 24-25, 28-29 and 45-54. Claims 2-7, 11-17, 27 and 31-44 had been canceled. Claims 1, 8-10, 23, 26 and 30 had been withdrawn. New claims 45-54 have been added.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18-22 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,248,459 to Pate et al.

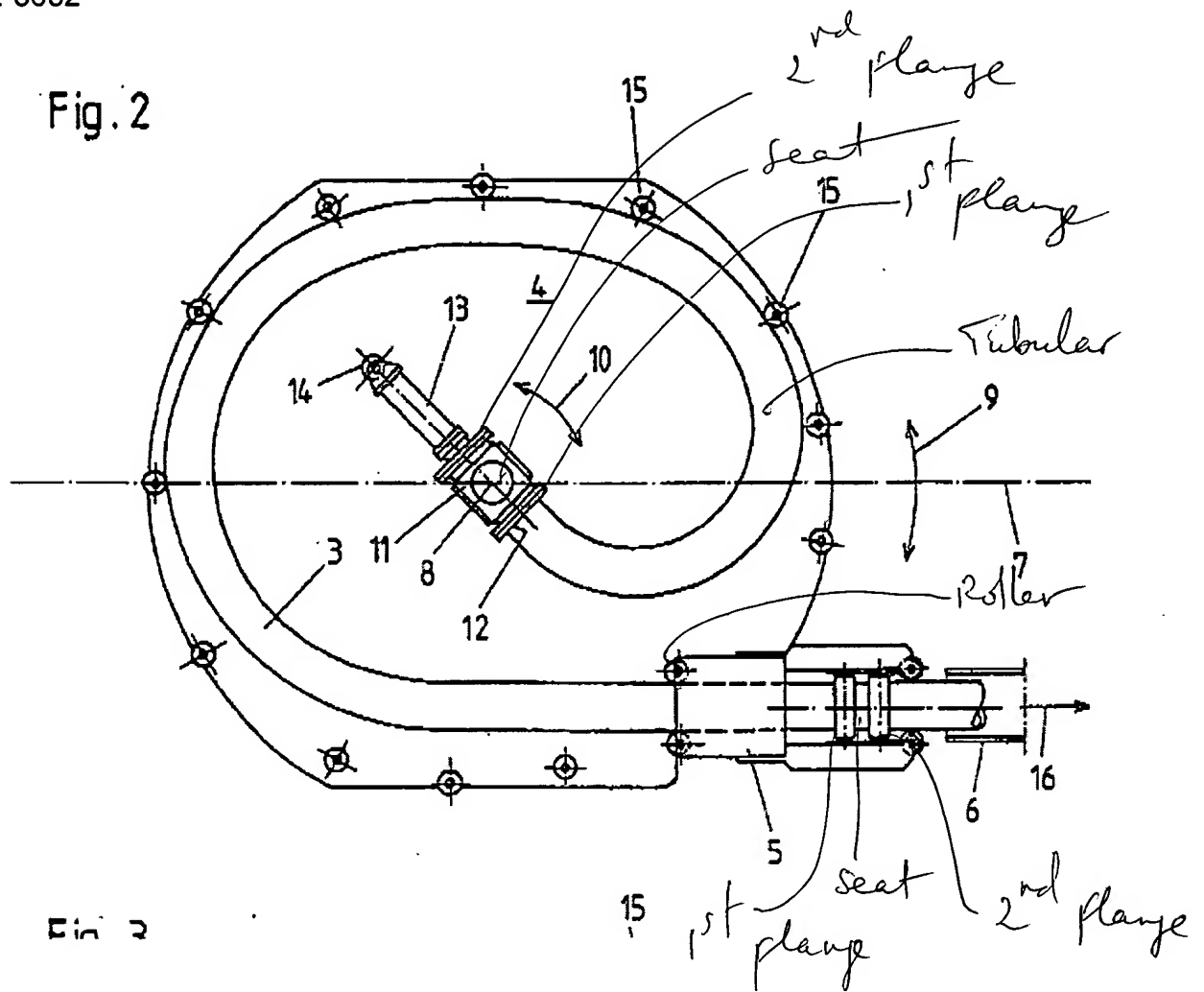
Pate et al. discloses a conduit system comprising all the limitations as recited in claims 18-22 and 28 as evidently shown on Figs. 1, 4-7, or 8-11 for example. See marked-up copy below:



Claims 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,577,772 to Kaiser.

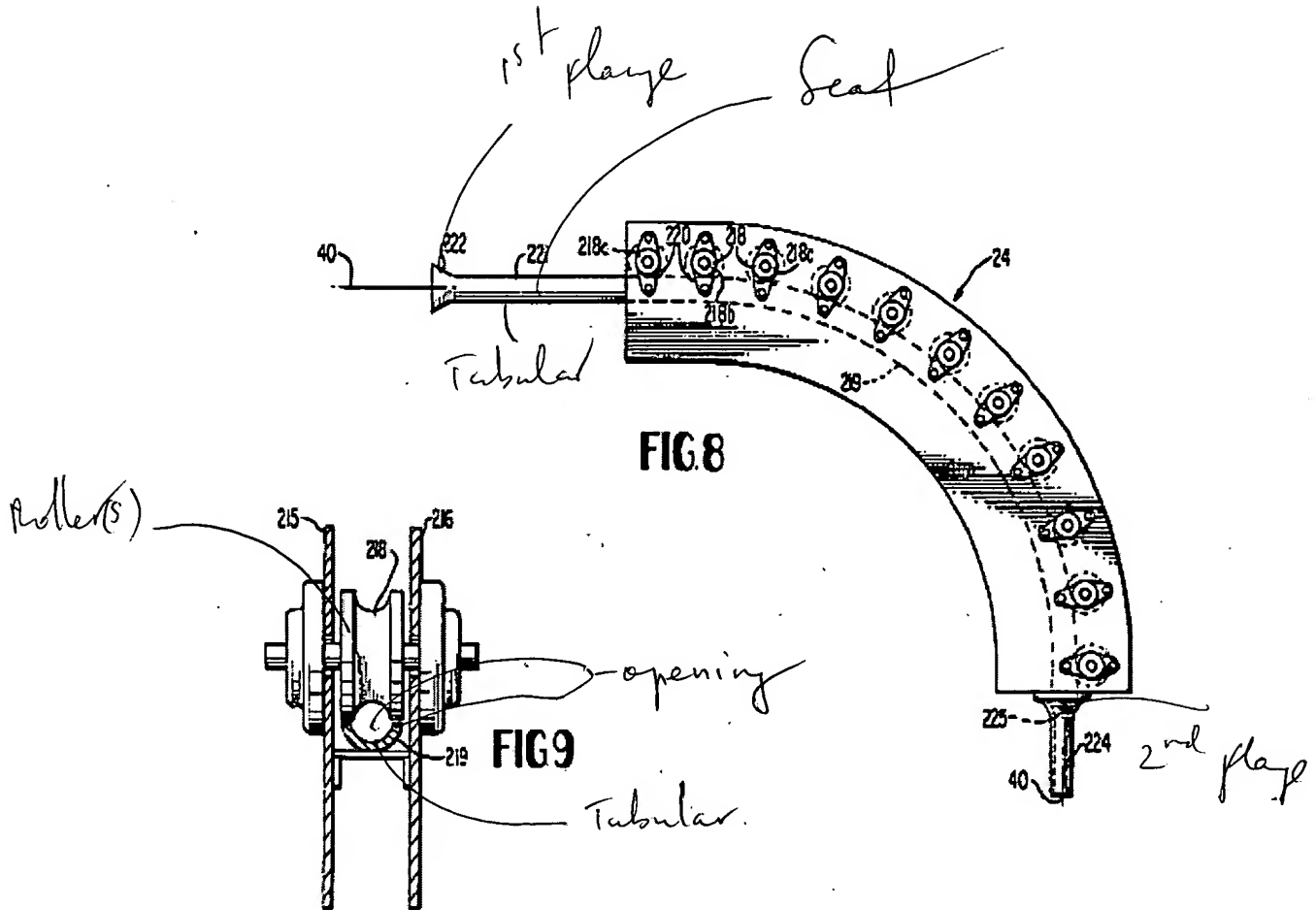
Kaiser teaches a guiding and support member (Figs. 1-3)) capable of maintaining a flexible member, the guiding and supporting member comprising an elongated body (3, 6) including a sweep having a first end, a second end and at least one roller (5, 15) positioned between the first and second ends, each including a collar (see marked -up copy) having a first circumferential flange, a second circumferential flange and a seat (no numeral) extending between the flanges.

Fig. 2



Claims 24-25 and 45-54 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,068,705 to Cofer et al.

Cofer et al discloses an apparatus with roller guide tube comprising all the limitations as recited in claims 24-25 and 45-54 as evidently shown on Figs. 8-9, for example. See marked-up copy below:

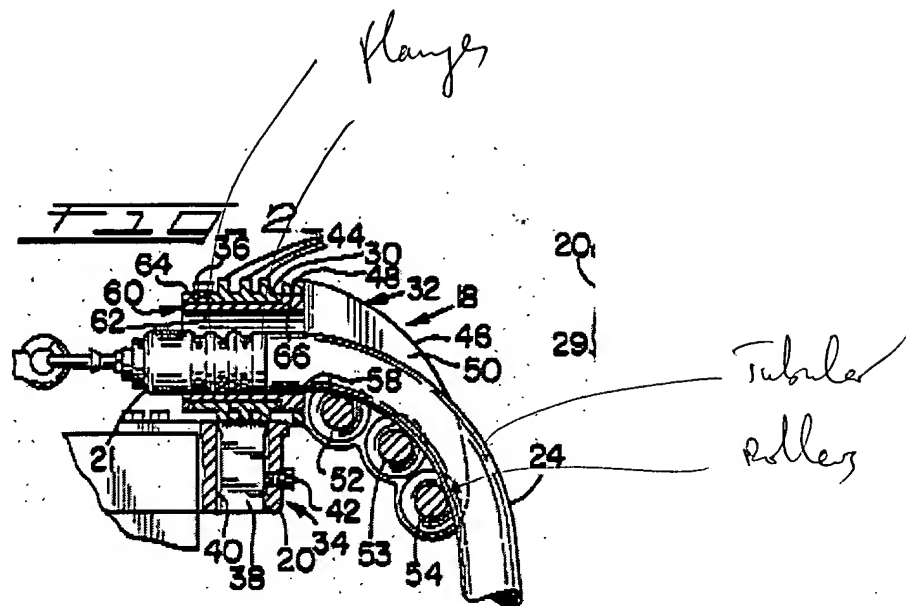


Claims 29 and 49-54 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,529,171 to Woodruff.

Woodruff discloses a cable guide apparatus with roller comprising all the limitations as recited in claims 29 and 49-54 as evidently shown on Fig 2, for example.

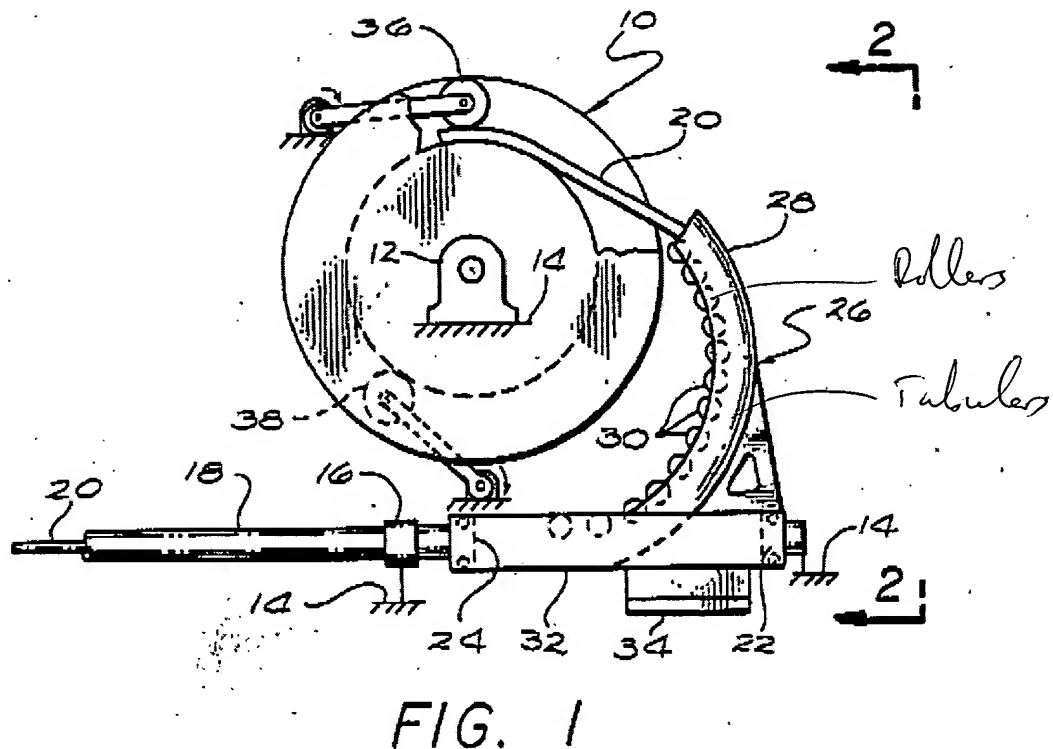
See marked-up copy below:

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Claims 45-54 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,795,108 to Appling.

Appling discloses a level wind system with roller comprising all the limitations as recited in claims 45-54 as evidently shown on Fig. 1, for example. See marked-up copy below:



Response to Arguments

3. Applicant's arguments filed 02/21/06 have been fully considered, but they are not persuasive in view of art of record.

Applicant has further amended independent claims 18, 24, 28, 29 and added new independent claim 45 along with other dependent claims 46-54 and pointed to alleged difference between the prior art and his invention based upon amendment introduced into claims. However, these independent claims and along with other dependent claims still stand rejected as being anticipated by Pate et al.; Kaiser; Coffey et al.; Appling and Woodruff as pointed out in the office action.

Contrary to Applicant's argument, both Kaiser and Pate et al clearly teach a seat extending between said flanges (see marked up) and the device construction of Pate and Kaiser can be broadly understood as one piece. Note: although the constructions are not structurally integral as one piece but since they are rigidly secured and hence they are integral in functional sense. In re Clark (CCPA) 102 USPQ 241.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
Patent examiner
May 10, 2006


ANITA KING
PRIMARY EXAMINER